

RETURN

(67)

To an Order of the House of Commons, dated the 5th December, 1910, calling for a copy of all correspondence, reports, memorials, surveys and other papers in the possession of the government, and not already brought down regarding the oyster industry of Canada; also a copy of all correspondence, reports and other papers regarding the ownership and control of oyster beds and of barren bottoms suitable for oyster culture, and regarding the consolidating of the ownership with the control and regulation of such beds and barren bottoms, and vesting the same in the hands of the Dominion government; also a copy of all correspondence, reports, recommendations and other papers relating to the leasing or sale of such beds or barren bottoms, or of portions of them, for the purpose of oyster culture or cultivation. Also a copy of all correspondence and reports relating to the culture, cultivation and conservation of oysters and other mollusks.

CHAS. MURPHY,
Secretary of State.

16th December, 1910.

CHARLOTTETOWN, P.E.I.,
15th March, 1910.

SIR,—I am in receipt of your letter of the 10th inst., referring to moving of small oysters from the bars, and placing them on the deep water beds in Richmond Bay.

I am strongly of the opinion that this work is far more valuable than anyone is aware of, as the oysters are scattered over a large area of natural ground, and the growth of these oysters thus transplanted is rapid. There are also a large number of these oysters which will throw off their spat during the spatting season, and the fishermen appreciate the step the department have taken in this matter.

As requested I will arrange to have this work carried out during the coming season.

I am, sir,

Your obedient servant,

ERNEST KEMP,
Oyster Expert.

March 10, 1910.

R. N. VENNING, Esq.,
Superintendent of Fisheries,
Ottawa.

SIR,—Adverting to previous correspondence, in regard to the removing of small oysters from the bars in Malpeque Bay, Prince Edward Island, and placing them on the natural oyster beds, I may say that as the work performed in this direction last

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fall was successful, and resulted in the placing on the natural beds of 569 bushels of small oysters that would otherwise have perished, it seems very desirable that the same course should be followed next year, and you will therefore arrange at the most suitable time next season for the collection of these small oysters, as far as possible, by the crew of the *Ostrea*, thus keeping the expense of the work down to a minimum, and have these placed on the natural oyster beds under your direct supervision.

I am, sir,

Your obedient servant,

(Sgd.) W. A. FOUND.

For Superintendent of Fisheries.

March 10, 1910.

E. KEMP, Esq.,
Oyster Expert,
Charlottetown, P.E.I.

DEAR MR. RICHARDS,—I beg to acknowledge your letter of the 7th instant, referring to the successful stocking of natural oyster beds in Malpeque Bay last year, by the gathering of small oysters that had been thrown up on the bars about the Bay, and which would otherwise have perished, and requesting that the same course be followed next year.

In reply I may say that last year 569 bushels of small oysters were gathered from these bars under the supervision of Captain Kemp, the oyster expert, and were placed on the natural beds, and as it is felt that the results of such work must be most satisfactory in the public interest, I am pleased to inform you that the oyster expert will be directed to follow the same course next year.

Yours faithfully

(Sgd.) C. STANTON,
Assistant Deputy Minister.

Honourable JAMES W. RICHARDS, M.P.,
House of Commons.

HOUSE OF COMMONS,
OTTAWA, March 7, 1910.

GEO. J. DESBARATS, Esq.,
Deputy Minister of Marine and Fisheries,
Ottawa, Ont.

DEAR SIR,—During the summer of 1909, Captain Kemp, with the assistance of a man or two, took up some small oysters which were found on the shoals and around the islands in Richmond Bay, P.E.I. These small oysters were planted upon the old beds. This step, ordered by the Fisheries Department, is likely to be productive of a very great deal of good in the way of re-stocking the oyster beds.

My object in writing is to make a request that this work of replanting oysters shall be continued during the coming season. I know that Mr. Venning is conversant with the whole matter, and I feel confident that he will recommend that the work of replanting be continued in Richmond Bay.

I shall be much obliged if you will kindly look into this matter, and be good enough to let me have a reply.

Yours very truly,
(Sgd.) JAMES W. RICHARDS.

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C.G.S. "OSTREA,"

SHEDIAC, N.B.,

19th October, 1909.

SIR,—I beg to enclose statement of oysters obtained in Richmond Bay from the bars and points of the Islands, and deposited on the natural beds in the above bay.

The statement shows the number of oysters received each day, with the names of the persons engaged, and the amount paid for same.

The balance of the \$500 advance received for that purpose and not used, I have placed to the credit of Receiver General amounting to \$101.70 and enclose Bank's receipt.

I am, sir,

Your obedient servant,

(Sgd.) ERNEST KEMP,

Oyster Expert.

R. N. VENNING, Esq.,

Superintendent of Fisheries,
Ottawa.

COPY.

Small oysters picked from bars in Richmond Bay, Sept.,

Name.	THURSDAY, Sept. 23.		SATURDAY, Sept. 26.		TUESDAY, Sept. 28.	
	Oysters, ½ bush	Amount paid.	Oysters, ½ bush.	Amount, paid.	Oysters, ½ bush.	Amount paid.
		\$ cts.		\$ cts.		\$ cts.
Abram Thomas.....	10	3 50	5	1 75	6	2 10
Peter Labole.....	8	2 80				
John Labole.....	7	2 45				
Geo. Brown.....	6	2 10	10	3 50		
J. Ferguson.....	18	6 30				
Lem Labole.....			8	2 80	10	3 50
Antony Labole.....			7	2 45	4	1 40
John Copage.....			5	1 75	5	1 75
E. Linklater.....			3	1 05		
Chas. Mills.....			9	3 15		
Wm. Peters.....					6	2 10
Abram Bernard.....					7	2 45
Mathew Mitchell.....					5	1 75
Patrick Sark.....					4	1 40
Michael Sark.....					3	1 05
Peter Knockwood.....					4	1 40
Patrick Bernard.....						
Sylvan Sark.....						
Joe Abram.....						
	49	17 15	47	16 45	54	18 90

I hereby certify the above goods have been received and planted and the price paid is fair and just.

(Sgd) ERNEST KEMP, Oyster Expert.

STATEMENT:	17th Sept. 890 baskets at 35c.....	\$ 311 50
	8th Oct. 248 " at 35c.....	86 80
	1138 "	\$ 398 30

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1909, at 35c. per bushel or at the rate of \$1.75 per barrel.

WEDNESDAY, Sept. 29.		THURSDAY, SEPT. 30.		FRIDAY, Oct. 1, 1909.		TUESDAY, Oct. 5.		TOTAL.	
Oysters. ½ bush.	Amount. paid.	Oysters. ½ bush.	Amount. paid.	Oysters. ½ bush.	Amount. paid.	Oysters ½ bush.	Amount paid.	Oysters	
	\$ cts.		\$ cts.		\$ cts.		\$ cts.		\$ cts.
4	1 40	2	0 70			2	0 70	29	10 15
								8	2 80
		2	0 70					9	3 15
		3	1 05					19	6 65
								18	6 30
4	1 40	8	2 80	3	1 05	1	0 35	34	11 90
5	1 75	5	1 75					21	7 35
2	0 70							12	4 20
								3	1 05
						2	0 70	11	3 85
4	1 40	8	2 80					18	6 30
5	1 75	4	1 40			4	1 40	20	7 00
								5	1 75
		2	0 70					6	2 10
2	0 70					5	1 75	10	3 50
								4	1 40
4	1 40							4	1 40
6	2 10	2	0 70					8	2 80
		2	0 70			7	2 45	9	3 15
36	12 60	38	13 30	3	1 05	21	7 35	248	86 80

I also certify to the above being correct.

(Sgd) D. W. FORBES.

ADVANCE:

\$500.00
Paid for oysters, as per statement.....\$ 398 30
Returned through Receiver General..... 101 70

\$ 500 00

Correct,
(Sgd) E. KEMP.

COPY.

Small oysters picked from bars in Richmond Bay, Sept.,

NAME.	FRIDAY, 10TH SEPT.		MONDAY, 13TH SEPT.	
	Oysters, ½ bush.	Amount paid.	Oysters, ½ bush.	Amount paid.
		\$ cts.		\$ cts.
Michael Sark.....	45	15 75	29	10 15
Patrick Sark.....	7	2 45	11	3 85
John Labole.....	20	7 00	14	4 90
Peter Labole.....	20	7 00	10	3 50
Antony Labole.....	17	5 95	12	4 20
Dennis Louis.....	4	1 40	11	3 85
Charlie Louis.....	8	2 80	10	3 50
Mathew Mitchell.....	39	13 65	21	7 35
Lewis Miller.....	12	4 20	13	4 55
Peter Knockwood.....	6	2 10	7	2 45
Joe Abram.....	8	2 80	22	7 70
J. Ferguson.....	30	10 50	25	8 75
Simon Francis.....			24	8 40
Tom Snake.....			16	5 60
E. Linklater.....			12	4 20
Geo. Brown.....			10	3 50
Chas. Mills.....			5	1 75
Dan. Francis.....			6	2 10
Frank Thomas.....			13	6 30
Peters, Wm.....				
Lem Labole.....				
Abram Thomas.....				
Wm. Arseneau.....				
Jacob Sark.....				
Dan Peters.....				
Sylvan Sark.....				
John W. Peters.....				
	216	75 60	276	96 60

I hereby certify the above goods have been received and planted and the price paid is fair and just.

(Sgd) ERNEST KEMPT, Expert, 18th., 1909.

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1909, at 35c. per $\frac{1}{2}$ barrel or at the rate of \$1.75 per barrel.

WEDNESDAY, 15TH SEPT.		THURSDAY, 16TH SEPT.		FRIDAY, 17TH SEPT.		TOTAL.	
Oysters, $\frac{1}{2}$ bush.	Amount paid.	Oysters, $\frac{1}{2}$ bush.	Amount paid.	Oysters, $\frac{1}{2}$ bush.	Amount paid.	Oysters, $\frac{1}{2}$ bush.	Amount paid.
	\$ cts.		\$ cts.		\$ cts.		\$ cts.
29	10 15					103	36 05
17	5 95	2	0 70	1	0 35	38	13 30
3	1 05	1	0 35			38	13 30
5	1 75	10	3 50			45	15 75
5	1 75					34	11 90
6	2 10	7	2 45			28	9 80
7	2 45	8	2 80			33	11 55
16	5 60	26	9 10	2	0 70	104	36 40
13	4 55	7	2 45			45	15 75
10	3 50	5	1 75			28	9 80
						30	10 50
16	5 60	15	5 25	8	2 80	94	32 90
23	8 05	12	4 20	5	1 75	64	22 40
4	1 40	5	1 75	1	0 35	26	9 10
		6	2 10			18	6 30
6	2 10	4	1 40			20	7 00
						5	1 75
9	3 15	3	1 05			18	6 30
16	5 60	10	3 50	2	0 70	46	16 10
14	4 90					14	4 90
7	2 45	8	2 80	2	0 70	17	5 95
9	3 15	4	1 40	2	0 70	15	5 25
		7	2 45			7	2 45
		5	1 75	3	1 05	8	2 80
		2	0 70			2	0 70
		5	1 75			5	1 75
				5	1 75	5	1 75
215	75 25	152	53 20	31	10 85	890	311 50

I also certify to the above being correct.

(Sgd.) D. W. FORBES.

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C.G.S. 'OSTREA,'

MALPEQUE, P.E.I.,

4th October, 1909.

SIR,—Since my last letter I have received the following oysters,—Thursday, 23rd September, 24½ bushels, none were obtained before as the tides and weather would not permit. On Saturday the 25th, 24 bushels, on Tuesday, 28th, 27 bushels, Wednesday, 29th, 18 bushels, Thursday, 30th, 19 bushels; and on Friday, 1½ bushels. Since then it has been blowing a heavy north-east gale and thick with rain, but now the oyster season is open I do not think I can get many more, as the bars have been picked nearly clean.

I will send a full statement on when I have closed my work here.

I am, sir,

Your obedient servant,

(Sgd.) ERNEST KEMP,

Oyster Expert.

R. N. VENNING, Esq.,

Superintendent of Fisheries,
Ottawa.

C.G.S. 'OSTREA,'

MALPEQUE, P.E.I.,

18th September, 1909.

SIR,—I beg to inform you that on the 10th inst. 108 bushels of small oysters were received on board the *Ostrea*, these were planted on the following day, but no picking was done on Saturday as the tides did not go off far enough.

On Monday 138 bushels were received and planted the following day, no picking being done on account of stormy winds and high tide. On Wednesday 107½ bushels were received and planted on Thursday. The 16th, 76 bushels were received and planted the following day, and on Friday 15½ bushels were received and planted to-day, no picking being done as there is a strong northerly wind blowing which keeps the tide up. There are upwards of 27 men with their families picking and they are all clamouring for cash.

With reference to the crew of the *Ostrea* picking these small oysters, their time is fully occupied on board the boat, in receiving and trimming the oysters as they come on board, and planting same and keeping boat in order. Mr. Dan. Forbes and John Ferguson have also been on board the boat, and assisted in placing the oysters on the most suitable localities which are thinly spread over the largest of the deep water beds.

I am, sir,

Your obedient servant,

(Sgd.) ERNEST KEMP,

Oyster Expert

R. N. VENNING, Esq.,

Superintendent of Fisheries,
Ottawa.

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C.G.S. 'OSTREA,'

MALPEQUE, P.E.I.,

13th September, 1909.

Superintendent of Fisheries,
Ottawa.

SIR,—I am in receipt of your telegram of the 8th inst. which reads as follows:—
'E Kemp, Str. *Ostrea*, Malpeque. You are authorized to remove small oysters from
bars Malpeque Bay, utilizing *Ostrea's* crew as much as possible. (Sgd): R. N.
Venning, Ottawa.'

I then made arrangements to pick up the small oysters on the north point of
Ram Island. Last Saturday about 43 barrels were laid and to-day upwards of 55
barrels oysters were received. Have just sent the following telegram:—'R. N.
Venning, Esq., M. & F. Dept., Ottawa. Please advance five hundred dollars immedi-
ately to pay pickers who expect cash on delivery. One hundred barrels already
received at one-seventy-five, am writing particulars. See Doutre. (Sgd.) E. Kemp,
C.G.S. *Ostrea*.'

The men who catch oysters and quahaugs are always paid for their daily catch on
delivery, and the men employed are asking for the same terms, and I have not suffi-
cient cash on hand to do so, hence my telegram. I saw Mr. Doutre this morning and
explained the matter to him.

The quahaug fishermen in Malpeque Bay are now earning on an average from
\$7 to \$10 per day.

I think probably to-day's catch will be the heaviest as the men will soon thin
them out.

How many oysters do you wish me to receive, to transplant in Richmond Bay?
The sample is a splendid one, and I hope good results will follow as they will be
spread thinly over a large area.

I am, sir,

Your obedient servant,

(Sgd.) ERNEST KEMP.

Oyster Expert.

R. N. VENNING, Esq.,
Superintendent of Fisheries,
Ottawa.

THE GREAT NORTH WESTERN TELEGRAPH COMPANY OF CANADA,

29 Collect. Via Eds., 33 & 76.

MALPEQUE, P.E.I.,

13th September, 1909.

R. N. VENNING,
M. & F., Ottawa.

Please advance five hundred dollars immediately to pay pickers who expect cash
on delivery. One hundred barrels already received at one seventy five, am writing
particulars. See Doutre.

(Sgd.) ERNEST KEMP.

1-2 GEORGE V., A. 1911

September 8th, 1909.

SIR,—Adverting to your report of the 31st ultimo, and to your wire of the 6th instant, I telegraphed you yesterday as follows:—

‘You are authorized to remove small oysters from bars, Malpeque bay, utilizing *Ostrea’s* crew as much as possible,’ which I now confirm.

The department feels that the crew of the *Ostera* should be able to render a great deal of assistance in collecting the small oysters on the bars about the bay, as there would not appear to be any work for them to do on the boat during such time as you are engaged in supervising the removal of these small oysters, and as you are aware it is the department’s desire that no unnecessary expenses should be incurred.

It is felt that the effect of placing these small oysters on the public beds should be very beneficial, as they should have passed beyond the stage when there would be much danger in transplanting them.

I should be obliged for a report from you from time to time as to how the work is proceeding, the quantities of small oysters that are being transplanted and the cost involved.

You will remember that it is the department’s desire that you should later on, if possible, visit Chedabucto Bay, and in any event it is necessary that you should go to Annapolis Basin and fully report in regard to the conditions existing in connection with the bed that was planted by you some years ago; but it would not seem necessary for you to take the *Ostrea* around in visiting this locality.

I am, sir,

Your obedient servant,

(Sgd.) R. N. VENNING,

Superintendent of Fisheries.

ERNEST KEMP,

Steamer *Ostrea*,

Malpeque, P.E.I.

OTTAWA, September 7th, 1909.

E. KEMP,

Steamer *Ostrea*,

Malpeque, P.E.I.

You are authorized to remove small oysters from bars Malpeque Bay, utilizing *Ostrea’s* crew as much as possible.

(Sgd.) R. N. VENNING.

Chge. M. & F.

THE GREAT NORTH-WESTERN TELEGRAPH COMPANY OF CANADA.

86 Be Rn 18 Coll 1.25 P.m

Via Eds,

MALPEQUE, P.E.I., Sept. 6th.

R. N. VENNING,

M. & F. Dept. Ottawa, Ont.

Dr. Stafford has finished with *Ostreas* service. Wire instructions re my letter of thirty-first of August.

(Sgd.) ERNEST KEMP,

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C.G.S. 'OSTREA,'

MALPEQUE, P.E.I.,

31st August, 1909.

SIR,—I am in receipt of your letter of the 19th inst., referring to the removal of small oysters which are deposited on the reefs in Malpeque Bay.

The *Ostrea* would serve the purpose of receiving the small oysters collected, and depositing the same on the beds, but I was under the impression the work would be slow, and that her services might be utilized in another way.

The best months to obtain these small oysters would be June and July as no shell fishing is done at that time and the water is warm, but now the quahaug fishing commences on the 1st of September and oyster fishing follows on the 1st October, so that men are scarce, but I think Indians might be employed at a reasonable figure during the following month.

If any action is taken in this matter, it should be done at once, as the water will soon be too cold to wade in, and the days are getting shorter, but I feel sure it would be a move in the right direction, and give satisfaction to all the fishermen who fish in these waters.

I had an interview with Mr. Dan Forbes, Fishery Officer of Tyne Valley and he stated that he would only be too willing to render any assistance, as he feels everyone in the industry would be benefited by the removal of small oysters from the bars and reefs and placed on natural beds. .

The *Ostrea* is now at Malpeque with Dr. Stafford, who will finish his work in a few days, and if the department will wire me their decision on receipt of this letter, I will remain and do my best.

It would be impossible to do any work here, after the *Ostrea* is laid up as suggested in your letter, as the season would be too far advanced.

I am, sir,

Your obedient servant,

(Sgd.) ERNEST KEMP.

Oyster Expert. . .

R. N. VENNING, Esq.,
Superintendent of Fisheries,
Ottawa.

August 19th, 1909.

DEAR MR. RICHARDS,—

I have to acknowledge the receipt of your letter of the 12th instant, in which you refer to the fact that it is frequently the case that small oysters are deposited on reefs around a small island in Malpeque bay, which are killed by the ice and frost during the winter season, and suggesting that arrangements might be made to have these little oysters picked up and deposited on the public beds.

In reply I may say that the department has had this matter under consideration, and it feels that the work could be most successfully carried on under the supervision of the oyster expert.

While it may not be practicable to have the steamboat *Ostrea* detailed for this service, it would seem that the work would require to be done in the fall after she is laid up, and the department is, therefore, at the moment in correspondence with Mr. Kemp, the oyster expert, with a view to reaching a decision as to the most practicable steps to take in the matter.

Yours faithfully,

G. J. DESBARATS.

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August 19, 1909.

SIR.—Adverting to my letter of the 14th May, 1908, in regard to the removal of small oysters which are deposited on reefs in Malpeque bay, and to which you replied on the 27th of that month, I may say that the matter is again before the department.

Though from your reply it would not seem practicable to detail the *Ostera* for this service. It would seem to the department that the work should be carried on under your supervision, and that at times when these small oysters are thrown up in numbers the depositing of them on the public beds under such conditions as would insure their growth, would seem to result in great benefit to the future of the industry.

It would not seem practicable to employ children indiscriminately in the picking of these oysters, as it would be impossible for any adequate supervision to be kept over the matter, and as the time when the removal of these oysters could best be carried on would seem to be in the fall just after the *Ostrea* would be laid up, it would appear that you might readily visit the localities where these reefs exist and make the necessary arrangements for the gathering of these small oysters and supervise the depositing thereof on the public beds.

I should be obliged for your full views on this matter with the least possible delay.

I am, sir,

Your obedient servant,

R. N. VENNING,

Superintendent of Fisheries.

ERNEST KEMP, Esq.,

Oyster Expert,

Charlottetown, P.E.I.

CHARLOTTETOWN, P.E.I.

August 12, 1909.

G. J. DESBARATS, Esq.,

Deputy Minister of Marine and Fisheries,

Ottawa,

DEAR SIR,—In the absence of Hon. Mr. Brodeur, I am now writing you in reference to a matter concerning the oyster beds in Richmond or Malpeque bay, Prince County, P.E.I.

There is a considerable quantity of small oysters on the reefs of a small island in that bay. These small oysters are liable to be destroyed when the ice forms. Men, who seem to know a good deal about the oyster fishing business have suggested to me that the small oysters on these reefs of the little island mentioned could be picked up and placed in the public beds in the bay. In this way those small oysters can be turned to good account, as they would help to replenish the public beds. I think this suggestion is a good one. The fishery guardians in that neighbourhood could get these small oysters picked up for about \$1 to \$1.50 per barrel and have them placed upon the public beds. The total cost of doing this work would probably amount to about \$100, and I am strongly of the opinion that it would be money well expended and would be a step in the interest of preserving the oyster business. The fisherman, who take oysters from the public beds, are most anxious that what I have suggested should be done.

I think that some time ago your Inspector of Fisheries here, Mr. John A. Matheson, recommended what I am now suggesting. I will be very glad if you will have this matter looked into, and if you will communicate with Mr. Matheson I feel sure that he will be able to confirm what I have expressed. It is manifest that something in

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this line should be done in order to foster the oyster fishing on the public beds in Malpeque Bay.

I will be obliged if you will kindly have this matter looked into and let me hear from you at your earliest convenience.

Yours truly,
(Sgd.) JAMES W. RICHARDS, M.P.,

October 20, 1910.

DEAR MR. HASZARD,—On receipt of your letter of the 12th inst. urging that the question of a *modus vivendi* in connection with the oyster industry should be finally disposed of at an early date, I wired the Attorney General for Nova Scotia for the decision of his government in the matter, as the Premier of New Brunswick had a short time ago expressed himself as willing to enter into a suitable arrangement, and I am pleased to inform you that I am now in receipt of a reply from the Attorney General for Nova Scotia, in which he states that his government will be prepared to enter into a *modus vivendi*, if your government and that of New Brunswick is.

I am particularly pleased that the governments of the three maritime provinces have taken this view of the matter, as I am convinced, as pointed out in previous correspondence, that the only method by which the oyster fishery can be satisfactorily expanded and an important industry built up, inuring to the permanent advantage of the different provinces concerned, is by private culture on areas leased to individuals.

I am now causing the Department of Justice to be requested to prepare a formal *modus vivendi* with the three maritime provinces, embracing terms as outlined in previous correspondence, which I am confident will be entirely acceptable, as my object is to have an arrangement reached which will make it perfectly clear that the question of fishery rights will not be affected in any sense, either to the advantage or disadvantage of any of the governments concerned; but which will enable these to whom leases are granted to feel assured that they will be maintained by both governments, if necessary, in their holdings.

I trust that the formal *modus vivendi* will be ready at an early date, and I shall not lose time in having it communicated to the different governments connected.

Yours faithfully,

L. P. BRODEUR.

Honourable F. L. HASZARD,
Premier Prince Edward Island,
Charlottetown, P.E.I.

October 20, 1910.

Dear Mr. MACLEAN,—I am much obliged for your telegram of the 18th instant, intimating that your government will be willing to enter into a *modus vivendi* in connection with the leasing of areas on which to carry on oyster culture, if the governments of New Brunswick and Prince Edward Island are agreed to do so.

Some time ago the Premier of Prince Edward Island expressed his willingness to enter into a suitable arrangement, even if the other provinces did not do so, as he appreciated that the only means by which the oyster industry can be built up and expanded is by private oyster culture on areas that have not previously been oyster producing, or on such as have become entirely depleted; but it was considered desirable that a *modus vivendi* should be reached with the three governments mainly interested, in order that the department might be in a position to do all in its power to encourage and stimulate the cultivation of oysters.

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With this end in view the question was taken up with the Premier of New Brunswick, as well as with yourself, and on the 13th ultimo the Premier of New Brunswick intimated that his province was willing for this department to continue to conduct the oyster fishery as it did in the past—presumably previous to the decision of the Privy Council in 1898—pending a final settlement of the whole question of fishery rights, and as the Premier of Prince Edward Island was pressing for definite action in the matter I wired you, as I could not see any reason why the province should object to entering into a *modus vivendi*.

The object, as previously explained, is in no sense to inure to the advantage or disadvantage of either the federal or provincial governments, so far as the question of fishery rights is concerned; but to prevent continuing of marking time on account of a settlement not being finally reached. I am immediately causing the Department of Justice to be communicated with to prepare a formal *modus vivendi*, which will embrace terms which I am quite sure will make it entirely satisfactory to all parties concerned.

Yours faithfully,

L. P. BRODEUR.

Honourable A. K. MACLEAN,
Attorney General, Nova Scotia,
Halifax, N.S.

October 20, 1910.

SIR,—Previous to the decision of the Imperial Privy Council in the Fisheries Reference in 1898 this department, with a view to enabling expansion in the quantities of oysters produced, arranged for the licensing of areas to private individuals and firms, on which to carry on artificial and natural oyster culture, and in fact eighteen such licenses had been issued for areas in Prince Edward Island, six in Nova Scotia and seven in New Brunswick; but following the decision in question, owing to the unsettled state in which it left the question of fishery rights, as between the federal and provincial governments, all these leases were discontinued, with the exception of one in Prince Edward Island and two in New Brunswick, which have been renewed from year to year, pending a final settlement of the question, and in order to avoid conflict, the department has refrained from issuing licenses for additional areas.

Notwithstanding that the regulations procured and enforced by this department for the protection of the natural oyster beds, have been very restrictive, the oyster fishery keeps on declining and experience in this and other countries shows beyond doubt that the only method by which the oyster production can be largely and permanently increased, is by private oyster culture on leased areas, over which absolute control, so far as oyster fishing is concerned, can be exercised by the lessee.

As the natural conditions around large portions of the coasts of the maritime provinces are most favourable for oyster culture, it is regrettable that the building up of new oyster producing areas has had to be held in check during the past twelve years, and with a view to reaching an arrangement whereby the department would be free to act in the matter, correspondence has been carried on with the governments of the three maritime provinces, which now express themselves quite ready to enter into a satisfactory *modus vivendi*, so far as the conduct of the oyster fishery is concerned, which would enable this department to issue such leases of areas as may be deemed desirable. From the correspondence a *modus vivendi*, embracing terms to the following effect, would seem acceptable to the provinces, and the minister has expressed himself as agreeable thereto,—

1. The granting by the Minister of Marine and Fisheries of leases of areas on which to carry on oyster culture, shall in no way, either directly or indirectly inure to

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the advantage of the federal government, so far as the question of fishery rights is concerned;

2. Each lease shall contain a clause to the effect that it is issued with the concurrence of the provincial government affected, and that the lessee shall be sustained in his holdings by both governments, and in the event of necessity arising for the cancellation of the lease, by reason of nonfulfilment of the obligations by the lessee, or otherwise, or if any change in the terms of the lease is found essential, the federal government will not act without the consent of the provincial government affected;

3. The term of the leases granted shall be twenty years, and the fee charged shall be at the rate of one dollar per acre for the first ten years, and two dollars per acre thereafter;

4. Areas shall not exceed in extent five acres, and only barren bottoms, or defunct or entirely depleted oyster beds, shall be available for leasing;

5. All rentals shall be collected by the Department of Marine and Fisheries and paid in to the credit of the Receiver General for Canada; but half the amount collected in any province, after deducting the cost of protection of the oyster fisheries therein, shall be paid over to the government thereof, such payments, if any are due, shall be made during the month of April in each year;

6. Where necessity may arise therefor, areas shall be defined and set apart, in which the farmers may dig what is generally known as 'mussel mud';

7. As an object lesson to those contemplating artificial and natural oyster culture, the Department of Marine and Fisheries shall, within three years from the date hereof, establish an oyster bed in each province on an area that has never produced oysters in the past.

The minister directs me to request you to be good enough to draft a suitable form of *modus vivendi*, with the governments interested,—Prince Edward Island, Nova Scotia and New Brunswick,—embracing the effect of the above terms, if you see no substantial objection thereto, and to insert such other conditions as you may deem desirable.

You will appreciate that the object is to gain no advantage for any particular government, so far as the question of relative fishery rights is concerned; but to enable the building of a large and flourishing oyster industry in the only way that it is possible to do it.

As the season is now much advanced, those who are desirous to go into the venture should be in a position to do so at the earliest possible date, and the minister would therefore deem it an especial favour if you would be good enough to expedite the preparation of the form of *modus vivendi*, as much as you possibly can.

I am, sir, your obedient servant,

C. STANTON,

Assistant Deputy Minister of Marine and Fisheries.

The Deputy Minister,
Department of Justice.

HALIFAX, N.S., October 18, 1910.

Hon. L. P. BRODEUR,
Minister of Marine and Fisheries,
Ottawa.

Replying your wire of to-day. This province will agree to *modus vivendi* if Prince Edward Island and New Brunswick agree.

A. K. MACLEAN.

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OTTAWA, October 18, 1910.

Honourable A. K. MACLEAN,
Attorney General,
Halifax, N.S.

Re letter August 5, oyster fishery *modus vivendi*, both Prince Edward Island and New Brunswick agreeable, and Island is pressing immediate action. As season advancing and no apparent objection to arrangement, which will be in best interests of industry and all concerned, please favour me with immediate reply.

L. P. BRODEUR.

PREMIER'S OFFICE, CHARLOTTETOWN,
October 12, 1910.

Hon. L. P. BRODEUR,
Minister of Marine and Fisheries,
Ottawa, Ont.

DEAR SIR,—Some weeks ago I had some correspondence with your department regarding the *modus vivendi* in the matter of our fisheries, and I now write and ask whether it is possible to bring about any arrangement at once. The season is getting along, and before winter sets in we certainly ought to be in a position to deal with some oyster areas where some new beds could be laid down.

I would be glad if some move could be made in the matter at once if possible.

Yours faithfully,

F. L. HASZARD,
Premier.

Honourable J. D. HAZEN, K.C.,
Premier and Attorney General,
Fredericton, N.B.

September 19, 1910.

DEAR SIR,—I beg to thank you for your letter of the 13th instant, in which you state that after having communicated with Dr. Landry you are agreeable that this department should, pending a final decision of the question of fishery rights, deal with the granting of oyster fishery leases as has been done in the past.

I take it that you refer to previous to the decision of the Imperial Privy Council of 1898, as since that time this department has refrained from issuing any new licenses for oyster culture purposes, merely continuing the two in New Brunswick which were at that time in effect, and those have been renewed from year to year.

It is with a view to extending the culture of oysters that the department is now so anxious that something should be done.

I observe you suggest that 'barren bottoms' alone should be leased and not 'unproductive beds.'

There is a great deal of force in this view, but there is also strong reason for the opposite one.

You will readily appreciate that those first going into oyster culture will have a lot to learn, which can only be acquired by experience, and in order that they may not become discouraged it is eminently desirable that they should be working under the best possible advantages, and while there may be some causes why in a particular area on which oysters have never grown they will not be so satisfactorily, there can be no doubt about an area which in years past has borne oysters.

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In the course of a short time when some good beds will have been built up, the question of the extension on to areas which have never been produced will be a very simple matter.

Of course the department would not consider for a moment the granting of leases for areas on which oysters are now growing; but beds which are entirely depleted and which have been given up by the public I am sure you will agree stand in a different light.

I am hopeful that a form of *modus vivendi* which will be entirely satisfactory to the three provinces will be ready in the course of a short time for submission and as soon as completed an arrangement will be made for its submission to the three maritime province governments for approval.

Yours faithfully,

A. JOHNSON.

ST. JOHN, N.B., September 13, 1910.

Deputy Minister of Marine and Fisheries,
Ottawa.

Re No. 3381.

SIR,—In reply to yours of the 7th inst., I beg to say that I have communicated with Dr. Landry, who was the representative of the New Brunswick government at the conference at Ottawa, and now desire to state that, pending the final decision of the question of fishery rights, my government is satisfied to have your department deal with this matter as you have done in the past.

If I may be permitted to make a recommendation with regard to the proposed work it would be that the 'barren bottom' be experimented upon by your department before the 'unproductive beds' are cultivated.

Yours truly,

J. D. HAZEN.

September 7, 1910.

Honourable A. K. MACLEAN,
Attorney General,
Halifax, N.S.

SIR,—I have your letter of the 30th, ultimo, in which you explain that as Mr. Barnstead is at present absent in England, it is difficult for you to go fully into the question of a *modus vivendi* in connection with the oyster fishery; but intimating that if one has been entered into with Prince Edward Island you would like to be informed of the full particulars thereof, to aid you in considering the matter.

As Prince Edward Island is possibly more vitally affected than any of the other provinces, and as nothing has been heard from the representatives of the different provincial governments following their visit to Ottawa last year, the matter was taken up with Honourable Mr. Haszard with a view to entering into an arrangement with Prince Edward Island even if such could not be achieved with the other provinces on the basis of the terms for a *modus vivendi*, a copy of which was inclosed in my previous letter of the 5th, ultimo.

Honourable Mr. Haszard states that if a contract is made by which it would be agreed that leases should be given, the granting of which should not inure to the advantage or disadvantage of either government so far as a claim to proprietary rights is concerned, there would, in his opinion, be no objection to the federal government granting such leases, and he further adds that he is agreed that a period of twenty years should be the term for the leases, and that he would consider a fee of one dollar

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an acre for the first five years and thereafter two dollars an acre, a reasonable one, with a condition for cancellation if planting operations were not undertaken within the first three years, or in lieu of such fee, a royalty on each barrel of, say fifty cents; that the lessee should be assured of the joint covenants of both governments securing him in his holdings, and that no change should be made without the consent of both contracting parties.

It has been pointed out to Mr. Haszard that one dollar an acre is the current rate in most parts of the United States, and that even where a very large fishery has been built up a larger fee has been found to bear heavily on those engaging in the industry in many instances, and as no doubt both governments are mainly anxious for the building of a flourishing industry, rather than the obtaining of a revenue, and as in initial operations many unlooked for difficulties will no doubt be experienced, the department feels that no increase over one dollar an acre should be made in the fee for at least ten years.

There is, therefore, nothing to prevent an immediate arrangement with Prince Edward Island; but as there is chance for great development of the oyster industry in the three maritime provinces, it would seem too bad for the unsettled question of fishery rights to be longer allowed to hamper the chances of building up such industry; and I therefore hope that you will at a very early date find it possible to give the matter the fullest consideration, as I am sure you will see no reason why a *modus vivendi* between the two governments should not be entered into, especially as there is no intention of such arrangement in any way affecting the legal position of either the Dominion or the province so far as the proprietary interests of the fishery are concerned.

If an arrangement were consummated during the coming fall the department would be in a position to grant leases to such as may be prepared to go into the industry, in time to enable them to build up beds during the coming year.

I am, sir, your obedient servant,

C. STANTON,

Asst. Deputy Minister of Marine and Fisheries.

September 7, 1910.

Honourable J. D. HAZEN, K.C.,
Premier and Attorney General,
Fredericton, N.B.

SIR,—I beg to revert to your letter of the 11th ultimo, in which you explained that you had forwarded my previous communication in regard to reaching a *modus vivendi* in connection with the leasing of areas for private oyster culture, to Dr. Landry, who was the representative of your government at the conference at Ottawa, and that after you had had an opportunity of conferring with him you would communicate with me further on the subject.

I have been hoping since that time to have a further letter from you; but as such has not been received I beg to again call your attention to the matter.

As the contemplated *modus vivendi* would not in any way affect the position of either government with regard to the question of fishery rights, it seems too bad that the unsettled state of that question should be allowed to continue to prevent the growth of an industry, which owing to the natural conditions existing, should be capable of being rapidly developed into one of great importance, and while, as previously explained, the Premier of Prince Edward Island has expressed his readiness to enter an arrangement and as it is not anticipated that there will be difficulty with Nova Scotia, you will appreciate that it would be eminently desirable in the general interest that the

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same conditions should exist in the three maritime provinces, so that those prepared to go into the venture of oyster culture should be given the same facilities.

I trust that you will be able to let the department hear from you finally in the course of a short time.

I am, sir, your obedient servant,

C. STANTON,

Asst. Deputy Minister of Marine and Fisheries.

HALIFAX, August 30, 1910.

A. JOHNSON, Esq.,

Deputy Minister of Marine and Fisheries,
Ottawa, Ont.

DEAR SIR,—I beg to acknowledge receipt of your letter of August 5th, No. 2381, with reference to the oyster fishery. I regret to say that at present Mr. Barnstead is absent in England and it is difficult for me to write you as fully as you suggest. When Mr. Barnstead returns I shall take the matter up with him.

If you have entered into a *modus vivendi* with the province of Prince Edward Island. I would thank you to communicate full particulars of the same as it would assist me in considering the matter so far as Nova Scotia is concerned.

Yours truly,

A. K. MACLEAN,

Attorney General.

CHARLOTTETOWN, P.E.I., August 11, 1910.

A. JOHNSON, Esq.,

Deputy Minister of Marine and Fisheries,
Ottawa, Ont.

Re Oyster Fisheries, P.E.I.

DEAR SIR.—I have your your letter of the 5th instant and fully note its contents; also that you are communicating with the Attorneys General of Nova Scotia and New Brunswick to ascertain whether or not they are prepared to enter into an immediate arrangement regarding the oyster fishery, &c.

I will await futher correspondence in the matter with you.

Yours faithfully,

F. L. HASZARD,

Premier and Attorney General.

ST. JOHN, N.B., August 11, 1910.

Deputy Minister of Marine and Fisheries,
Ottawa.

Re 3381.

DEAR SIR.—I am in receipt of yours of the 5th inst., and have inclosed the same to Dr. Landry, who was the representative of the government at the conference to which you refer with respect to oyster fishery, and will write you as soon as I have had an opportunity of consulting with him about the matter.

Yours truly,

J. D. HAZEN.

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Honourable F. L. HASZARD, K.C.,
Premier and Attorney General,
Charlottetown, P.E.I.

August 5, 1910.

DEAR SIR,—The minister carefully read your letter of the 28th ultimo, just before leaving for the west; but as time did not offer for him to reply thereto, he directed me to do so, to the following effect:—

He is quite in accord with your view that the *modus vivendi* to be entered into should make it perfectly clear that the granting by this department of the leases of the form that may be decided upon, will not, in any sense inure to its advantage in connection with the settlement of outstanding questions between federal and provincial governments regarding the fisheries.

After careful study of the conditions in connection with the oyster fishery in the United States and other countries, the department feels that twenty years is the most satisfactory term for a leasehold, as it really takes several years, in most instances, to bring an area up to its highest yielding state, and while conditions appear to be such in the maritime provinces as will enable a very large industry in oyster culture to be built up, much knowledge will have to be acquired by experience, which, no doubt in no few instances, will not be of a pleasant character. The comparatively severe winters form a factor that has not to be reckoned with in the south eastern states, and while our oysters are much better in quality they are no doubt considerably slower in growth. Enemies of the young oyster, when they are cultivated in great numbers, such as the star-fish and certain borers, will quite likely make their appearance in such quantities as to make it essential for the oyster culturists to take special steps for their destruction.

Courage in the face of discouragement will therefore be necessary, especially on the part of the pioneer oyster culturists, to make a success of the venture, and the department therefore feels that those starting in the industry should not be hampered by such restrictions as heavy license fees. One dollar an acre is the current rate in most parts of the United States, even where a very large industry has been built up, and a heavier fee has in different cases been found impossible.

Of course, what your government, as well as this department, is mainly anxious for, is not as much the obtaining of revenue as the building up of a flourishing industry, and from the information available as to the time required to bring a bed into a really flourishing condition, the department is impressed that the fee should not be raised until ten years have elapsed.

A royalty in lieu of an acreage fee is from many points of view more satisfactory; but there is always room for misapprehension as to the number of barrels taken, and all things considered it would seem that an acreage fee is preferable.

There can be little question that for a number of years to come a comparatively small area will be all that any one culturist will be prepared to handle and the department is, therefore, in accord with your view, that five acres is, at least for the present, a sufficiently large area.

With regard to the experimental plot which you are informed was being built up in Richmond Bay, I am pleased to inform you that work has been progressing on the plot and it is anticipated that when the oyster fishing season opens it will be quite ready to receive a seeding of oysters.

The minister is also in accord with your view that it would be more desirable to have each of the maritime provinces enter into a *modus vivendi* at the same time, notwithstanding that if such cannot be done the public interest of the island would be served by immediately starting operations there, and therefore before finally considering the terms of a *modus vivendi*, I am communicating with the Attorneys General of Nova Scotia and New Brunswick, with a view to ascertaining whether or not they

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are prepared to enter into an immediate arrangement, and I am taking the liberty of stating that you view with favour an arrangement that may be decided upon of a satisfactory character.

Yours faithfully,

A. JOHNSON.

August 6, 1910.

Honourable A. K. MACLEAN,
Attorney General,
Halifax, N.S.

SIR,—You will no doubt remember that in May of last year, a delegation consisting of one representative from each of the maritime provinces came to Ottawa, with a view to endeavouring to arrange with this department the basis of a *modus vivendi* in connection with the oyster fishery, to enable steps to be taken to start the great improvements which could doubtless be made in the industry in question, if conditions were practicable to proceed with the leasing of areas on which persons could engage in oyster culture operations and so directly interest private enterprise in the venture.

The three representatives were Honourable D. B. Landry, M.D., for your province; Mr. R. H. Montgomery, for Prince Edward Island, and Mr. A. S. Barnstead for Nova Scotia.

I understand that before coming to Ottawa they held a conference, at which it was understood that certain decisions were reached, and after a full and free discussion of the matter in the department here, a basis of *modus vivendi* was drawn up, a copy of which was given to each representative, it being understood that immediately following their return home they would take the matter up with their respective governments, when they would be able to jointly submit a recommendation, embracing the terms of a *modus vivendi* to the federal government, as it was not thought that there was any serious divergence likely to arise in considering the final terms of such *modus vivendi*.

Time, however, went on and nothing further was heard by the department on the subject, and as Mr. Barnstead had undertaken to make all the arrangements with the other delegates he was written to on more than one occasion, urging some final action; but for one reason and another nothing appears to have been done.

The possibilities of building up a vast oyster industry in the maritime province, if proper facilities were given private enterprise, are so well known to you that it is quite unnecessary for me to dwell on the point and it is really too bad that the unfortunate unsettled state of the question of fishery rights should be allowed to continue to intervene to prevent steps being taken to enable a satisfactory extension of the industry.

Doubtless you have before you the notes for a *modus vivendi* that were drawn up with the delegates when in Ottawa; but in case you may not have such at hand, I have pleasure in inclosing a copy thereof herewith, and I should be very much obliged for a full expression of your views in the premises at the earliest possible moment.

I may add that in view of no final action being taken following the visit of the delegates the department has recently entered into correspondence with the Attorney General for Prince Edward Island, as the possibilities for oyster culture are probably greater there than in any of the other provinces, and he has expressed his willingness to immediately enter into a *modus vivendi* of a satisfactory nature, which would enable this department to, in the public interest, do everything possible to speedily and comprehensively develop the oyster industry.

I may also say that with a view to practically illustrating what may be done by private oyster culture it has been decided to build up a few experimental oyster beds

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on areas that have never before been oyster producing, and a start in this direction has already been made, as an area has been selected in Richmond Bay, Prince Edward Island, which is being prepared by this department's oyster expert, on which oysters will be laid down this fall.

While it will be necessary in the event of a *modus vivendi* with the three maritime provinces not being reached, to consider the question with each province individually, I am sure you will appreciate the advantage of united action in the premises, and I should be obliged for your reply at the earliest possible moment, in order that final action may be considered.

I am, sir, your obedient servant.

A. JOHNSON,

Deputy Minister of Marine and Fisheries.

August 8th, 1910.

SIR,—You will no doubt remember that in May of last year a delegation consisting of one representative from each of the maritime provinces came to Ottawa with a view to endeavouring to arrange with this department the basis of a *modus vivendi* in connection with the oyster fishery, to enable steps to be taken to start the great improvements which could doubtless be made in the industry in question, if conditions were practicable to proceed with the leasing of areas on which persons could engage in oyster culture operations, and so directly interest private enterprise in the venture.

The three representatives were Honourable D. B. Landry, M.D., for your province, Mr. R. H. Montgomery, for Prince Edward Island, and Mr. A. S. Barnstead, for Nova Scotia.

I understand that before coming to Ottawa they held a conference, at which it was understood that certain decisions were reached, and after a full and free discussion of the matter in the department here, a basis of *modus vivendi* was drawn up, a copy of which was given to each representative, it being understood that immediately following their return home they would take the matter up with their respective governments, when they would be able to jointly submit a recommendation, embracing the terms of a *modus vivendi* to the federal government, as it was not thought that there was any serious divergence likely to arise in considering the final terms of such *modus vivendi*.

Time, however, went on and nothing further was heard by the department on the subject, and as Mr. Barnstead had undertaken to make all arrangements with the other delegates he was written to on more than one occasion, urging some final action; but for one reason and another nothing appears to have been done.

The possibilities of building up a vast oyster industry in the maritime provinces, if proper facilities were given private enterprise, are so well known to you that it is quite unnecessary for me to dwell on the point and it is really too bad that the unfortunate unsettled state of the question of fishery rights should be allowed to continue to intervene to prevent steps being taken to enable a satisfactory extension of the industry.

Doubtless you have before you the notes for a *modus vivendi* that were drawn up with the delegates when in Ottawa; but in case you may not have such at hand, I have pleasure in inclosing a copy thereof herewith, and I should be very much obliged for a full expression of your views in the premises at the earliest possible moment.

I may add that in view of no final action being taken following the visit of the delegates the department has recently entered into correspondence with the Attorney General for Prince Edward Island, as the possibilities for oyster culture are probably greater there than in any of the other provinces, and he has expressed his willingness

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to immediately enter into a *modus vivendi* of a satisfactory nature, which would enable this department to, in the public interest, do everything possible to speedily and comprehensively develop the oyster industry.

I may also say that with a view to practically illustrating what may be done by private oyster culture it has been decided to build up a few experimental oyster beds on areas that have never before been oyster producing, and a start in this direction has already been made, as an area has been selected in Richmond Bay, Prince Edward Island, which is being prepared by this department's oyster expert, on which oysters will be laid down this fall.

While it will be necessary in the event of a *modus vivendi* with the three maritime provinces being reached, to consider the question with each province individually, I am sure you will appreciate the advantage of united action in the premises, and I should be obliged for your reply at the earliest possible moment in order that final action may be considered.

I am, sir, your obedient servant,

A. JOHNSON,

Deputy Minister of Marine and Fisheries.

Honourable J. D. HAZEN, K. C.,

Premier and Attorney General,

Fredericton, N. B.

CHARLOTTETOWN, P.E.I.,

July 26th, 1910.

DEAR SIR,—

Re Oyster Fisheries, P.E.I.

I am receipt of your favours of June 6 and July 6 regarding the *modus vivendi* in connection with the oyster fisheries. I have necessarily, had to delay replying to your letters until I could consult with some of the members of the executive who were not here, and now in reply. I beg to say that so far as we are concerned I think our government would be willing to enter into a *modus vivendi* regarding the oyster fisheries on its own account, if the other provinces could not be got to agree. However, I think, there would be no reason why all should not be bound by the same regulations.

If a contract is really made between the Dominion and Provincial governments by which it would be agreed that leases should be given by either one government or the other, and that the granting of such lease should not inure to the advantage or disadvantage of either government, then, to my mind, there would be no objection to the Dominion government granting the leases.

In my opinion the length of the lease should not extend over twenty years; for the first five years at, say, \$1 an acre with the condition that unless the lessee proceeds with the planting of beds within the first three years the lease should be subject to forfeiture. At the end of five years the rent could be increased to at least \$2 per acre or the parties taking the oysters be subject to the payment of a royalty or certain sum per barrel, say fifty cents. The lease should be assured to the lessee by the joint covenants of both governments, securing it in any event; no change to be made without the consent of both contracting parties. The revenue might be collected by the federal government and should be divided equally with the province. We should be entitled to at least fifty per cent of the gross amount collected from all sources in connection with the fisheries. The area to be granted, I think, should not exceed five acres.

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With regard to the present beds, I do not think there would be any objection to dividing them into two or three sections and having them fished during alternate years, either every second or third year, as the case might be. Provision, should, however, be made to allow a certain quantity of oysters to be taken off, under the direction of a proper inspector, for the planting of new beds. Provision regarding experimental plots, as you suggest, I think is very desirable; also as regards uniform barrels. Proper provision would also have to be made for the stocking of private beds, also for the preservation of special rights for mussel-mud for the farmers. If a contract as outlined above is drawn up, I will have it submitted to our government and give you a reply as quickly as possible. There may be some other suggestions which necessarily would have to be incorporated in it, but the whole matter depends largely upon proper protection; all the provisions as above suggested would be of little avail unless a different and better system of oversight can be organized. The present employment of a large number of men at ridiculous salaries is of little use, one man with a good outfit, paid a reasonable sum would be far more effective than five under present system.

We are very anxious to have this matter taken up and dealt with energetically at an early date and will give any assistance we can to bring it to a satisfactory settlement.

Yours faithfully,

F. L. HASZARD,

Attorney General.

Honourable L. P. BRODEUR,
Minister of Marine and Fisheries,
Ottawa, Ont.

July 6, 1910.

DEAR MR. HASZARD,—You will remember that on the 6th ultimo, I wrote you fully explaining the standing of a proposed *modus vivendi* by this department and the governments of the maritime provinces to enable the development of the oyster industry by leasing of oyster beds; but up to the moment I have not received any reply from you in the premises.

I am sure you will agree that it is most desirable that some amicable arrangement should be immediately reached in the matter, as there can be no doubt that the industry could be enormously developed by the introduction of an adequate leasing system under conditions which would assure the leaseholders efficient protection of their holdings.

In view of the fact that there are such immense possibilities in the way of oyster culture in Prince Edward Island, I would be prepared to consider the question with your province alone if necessary, and I should, therefore, be much obliged if you would, at your earliest convenience, favour me with a full expression of your views on the whole subject.

Yours faithfully,

L. P. BRODEUR.

June 6, 1910.

HONOURABLE F. L. HASZARD, K.C.,
Premier of Prince Edward Island,
Charlottetown, P.E.I.

DEAR MR. HASZARD,—You will no doubt remember that in May last year a delegation consisting of one representative from each of the maritime provinces came to

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Ottawa, with a view to endeavouring to arrange with my department the basis of a *modus vivendi* in connection with the oyster fishery, to enable steps to be taken to start the vast improvements which could no doubt be made in the industry in question, if it were practicable to proceed with the leasing of areas, and so directly interest private enterprise in oyster culture.

The three representatives, consisting of Mr. R. H. Montgomery, from your province; Mr. A. S. Barnstead, for Nova Scotia; and Honourable D. V. Landry, M.D., from New Brunswick, it appears had a conference before coming to Ottawa, when it was understood certain decisions were reached and after a full and free discussion of the matter in the department a basis of a *modus vivendi* was drawn up, a copy of which was given to each representative, it being understood that immediately on the return to the provinces they would take the matter up with their respective governments, when they would be able to submit jointly a recommendation embracing the terms of the *modus vivendi* to the federal government, as it was not thought that there was any serious divergence of opinion likely to arise in considering the final terms of the *modus vivendi*.

Time, however, went on, and nothing further was heard by the Department on the subject, and Mr. Barnstead, who agreed to make all the arrangements with the other delegates, was written to on different occasions urging some final action; but up to the moment nothing appears to have been done.

The possibilities of extending the oyster fishery in the maritime provinces are so well known to you that it is quite unnecessary for me to dwell upon that point, and it really seems too bad that on account of the unsettled state of the question of fishery rights, steps looking to the immediate and great extension of the industry should be stayed.

No doubt you have before you the notes for a *modus vivendi* that were drawn up at the conference with the delegates when in Ottawa; but in case it may not be near at hand, I inclose a copy thereof, and I should be much obliged for an expression of your views in the whole matter.

I may add that, in order to place before those who are in a position to take up private oyster culture, as an object lesson in the matter, I have authorized the oyster expert to select an area in Richmand bay on which oysters do not exist at the present time, nor ever have in the past, and on it build up an oyster bed, and stock it during the coming season.

An area has been chosen off the south side of Bird island or Middle island, just to the east of the mouth of Bideford river. The extent of the area is four acres. It is in the open bay, so that there could be no question of private ownership, and I trust that your government will do all it can towards and co-operate with my department in making this experimental bed an entire success.

Yours faithfully,

G. J. DESBARATS.

HON. F. L. HASZARD, K.C.,

Premier of Prince Edward Island,
Charlottetown, P.E.I.

OTTAWA, December 8, 1909.

DEAR MR. BARNSTEAD,—Ever since your letter of the 14th September last intimating that you have the matter of a proposed *modus vivendi* in connection with the conduct of the oyster fishery attended to with all possible speed, and I have been hoping to hear from you further on the subject.

You will remember that the other two delegates who were here when you were to take the matter up with your respective governments on their return home, and

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were to communicate with you, in order that a joint recommendation embracing the terms of a *modus vivendi*, should be submitted.

The department has before it different applications for leases to cover areas on which to carry on oyster culture, which of course it has not been possible for it to deal with, and as it is of very great importance that some satisfactory arrangement should be reached without delay, I should be obliged to hear from you as to how the matter now stands.

Yours very truly,

R. N. VENNING.

A. S. BARNSTEAD, Esq.,
Department of Industries and Irrigation,
Halifax, N.S.

HALIFAX, September 14, 1909.

MR. R. N. VENNING,
Department of Marine and Fisheries,
Ottawa.

DEAR SIR,—I beg to acknowledge your letter of the 11th inst., respecting the fisheries.

The Attorney General is at the present time in the west and will not be back for a week or ten days and no further progress can be made until his return. As soon as possible, however, I will have the matter attended to.

Yours truly,

ARTHUR S. BARNSTEAD,
Secretary.

OTTAWA, September, 11th, 1909.

DEAR MR. BARNSTEAD,—Please pardon my delay in replying to your letter of the 26th ultimo, which is due to the fact my time has been greatly taxed since my return from British Columbia, where I found it necessary to go during the present summer on some departmental matters.

I am very glad indeed to see that you have again taken up the matter of a *modus vivendi* in connection with the oyster industry with the other maritime provinces, and I shall hope to hear from you at an early date that some conclusions have been reached in connection therewith.

With regard to your inquiry as to what is being done in regard to some matters which were talked over with you and your confreres when here, I may say that I have been following them up and have already obtained considerable information in regard to the establishing of experimental oyster beds.

Yours very truly,

R. N. VENNING.

A. S. BARNSTEAD, Esq.,
Department of Industries and Irrigation,
Halifax, N.S.

HALIFAX, August 26, 1909.

R. N. VENNING, Esq.,
Superintendent of Fisheries,
Ottawa.

DEAR SIR,—I have your letter of the 19th inst., relative to our visit to Ottawa respecting the oyster fisheries.

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On my return to the city I immediately referred the matter to our provincial government. It was not in session at the time, the members were away, and it was some little time before I got the matter fully in hand. It was thereafter referred to the Attorney General's Department to be looked into from a legal point of view and I have not since had an opportunity of talking it over. It is one of the very important matters which I propose looking into immediately.

I have not heard at all from the other provinces.

I noticed the other week that you were out on the coast, and was resting easy on that account. You had planned, I understood, to have visited the province this summer. Have you decided against a visit here?

I shall take the matter up immediately with the other governments and find out whether they have succeeded in securing a basis for a *modus vivendi*. As far as our government is concerned there will be no difficulty in the matter.

What has been done on your part in regard to the several matters which you were to look into and upon which you were to obtain reports?

Yours truly,

Sgd. ARTHUR S. BARNSTEAD.

Secretary.

August 18, 1909.

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SIR,—Adverting to your visit and that of Dr. Landry, of New Brunswick, and Mr. Montgomery, of Prince Edward Island, to the department in May last, and to my letter to you of the 27th of that month, I may say that it was anticipated, as indicated therein, after the return of the different delegates that they would, after conferring with their governments, submit a joint recommendation embracing the terms of a *modus vivendi* in connection with the administration of the oyster fisheries in the maritime provinces.

Though I have been hoping from week to week since that time to have heard from you on the subject, up to the moment nothing has reached the department either from any of the delegates or from the provincial governments interested, and I should be much obliged if you would be good enough to inform me how the matter now stands.

I am, sir,

Your obedient servant

R. N. VENNING.

A. S. BARNSTEAD, Esq.,

Department of Industries, and

Irrigation, Superintendent of Fisheries,

Halifax, N.S.

May 27, 1909.

SIR,—At the preliminary conference with representatives from the maritime provinces, with the Honourable L. P. Brodeur, Minister of Marine and Fisheries, and myself as Dominion Superintendent of Fisheries, on the 28th May, instant, the Minister relegated me to act in a subsequent conference to continue the discussion as to the basis of a *modus vivendi* between the Dominion government and the governments of New Brunswick, Nova Scotia and Prince Edward Island, having for its object the preservation, protection and development of the oyster fisheries of the maritime provinces, pending a decision on a reference to be made to the courts as to the relative rights and jurisdiction in the waters below low water mark.

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To this end we very fully discussed the matter in all its bearings and reached certain points for consideration to be submitted to your government, a memorandum of which I herewith inclose.

It is expected that after each of the delegates from the provinces has reported to his government on these lines, to which the Dominion government tentatively agrees as forming a basis, that they will be able to submit jointly a recommendation embracing the terms of the *modus vivendi* to the federal government, and it is not thought that any serious divergence of opinion is likely to arise in considering the final terms of the *modus vivendi*.

In all probability any legal difficulty will be eliminated by the suggested insertion in the lease of words limiting the conveyance of rights and privileges to such as may be legally conveyed by the Minister of Marine and Fisheries.

I am, sir,

Your obedient servant,

R. N. VENNING,

Supt. of Fisheries.

CHARLOTTETOWN, P.E.I., May 23, 1909.

Hon. L. P. BRODEUR,
Ottawa.

Sending delegate oyster fisheries, meet you Wednesday, assume your department will pay expenses.

F. L. HASZARD.

OTTAWA, May 20, 1909.

ARTHUR S. BARNSTEAD,
Halifax, N.S.

Will meet you and other delegates oyster industry, Wednesday twenty-sixth May, at eleven forty-five a.m., my office. Please inform other delegates.

L. P. BRODEUR.

HALIFAX, May 12, 1909.

HON. L. P. BRODEUR,
Minister, Marine and Fisheries,
Ottawa.

SIR,—Under instructions from Hon. Premier Murray and in co-operation with the representatives of the governments of New Brunswick and Prince Edward Island, we have come to an agreement on certain matters in connection with the conserving and developing of the oyster industry in these provinces. In view of the, to some extent, joint jurisdiction both of the Dominion government and the various provincial governments, we felt that the matter was one in which we should come to some agreement among ourselves and thereafter discuss the conclusions arrived at with yourself as representing the Department of Marine and Fisheries.

I had hoped that we had finished our work and reported to our governments and had been in Ottawa before Mr. Murray returned, but were unable to do this. We hope, however, to leave on Saturday, after seeing Mr. Murray, and discuss this among other matters, there.

Would it be possible for you to indicate by wire what day next week would be convenient for you to meet with us to present our views in this matter? The representatives from the other provinces leave on Monday, arriving there in time to have a conference with you at any hour Wednesday or Thursday.

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Might I suggest that in view of the fact that you have an officer specially delegated to do the work in this connection, that it might be advisable to have his services at the conference. I refer to Capt. Ernest Kemp who is engaged in the work in the Northumberland Straits. I assume he is accessible at any time now. I may add an expression of our appreciation of his services which were kindly given the committee of the Nova Scotia government a short time ago in the preliminary discussion leading to the conference, which took place in Moncton.

I have the honour to be, sir,

Your obedient servant,

Sgd. ARTHUR S. BARNSTEAD.

Secretary.





